

RECORD OF PROCEEDINGS

Held
Thursday, September 16, 2021
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**CALL TO ORDER:** Mayor Williams called the Riverside, Ohio City Special Council Meeting to order at 6:00 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

**ROLL CALL:** Council attendance was as follows: Ms. Campbell, present; Mr. Denning, present; Mrs. Franklin, present; Ms. Fry, present; Ms. Lommatzsch, present; Mr. Maxfield, present; and Mayor Williams, present.

Staff present was as follows: Chris Lohr, Interim City Manager, Tom Garrett, Finance Director; Frank Robinson, Police Chief; Kathy Bartlett, Public Service Director; Gary Burkholder, Community Development Director, Dalma Grandjean, Law Director, and Katie Lewallen, Clerk of Council.

**EXCUSE ABSENT MEMBERS:** No members were absent.

**ADDITIONS OR CORRECTIONS TO AGENDA:** No changes were made to the agenda.

**APPROVAL OF AGENDA:** Mr. Denning motioned to approve the amended agenda. Deputy Mayor Lommatzsch seconded the motion. All were in favor; none opposed. **Motion carried.**

**PLEDGE OF ALLEGIANCE:** Mayor Williams led the pledge of allegiance.

**MINUTES:** Mr. Denning motioned to approve the minutes from the September 2, 2021 council meeting. Mr. Maxfield seconded the motion. All were in favor; none opposed. **Motion carried.**

**FINANCIAL REPORT:** Mr. Denning motioned to approve the financial report for August 2021. Mrs. Franklin seconded the motion. All were in favor; none opposed. **Motion carried.**

**WRITTEN CITIZEN PETITIONS:** Mayor Williams stated any citizens who would like to speak should fill out a petition and turn it in to the clerk.

DEPARTMENT UPDATES:

**A) Finance Department** – Mr. Garrett stated that income tax had a good month, but cautioned that because they got three distributions from CCA. The are right on their average. He stated they have a supplemental appropriation that will be presented later. He provided an updated exhibit for the supplemental for a few items. There was need to add funds for legal expenses as they had already exhausted their budgeted amount for the year. There is also an appropriation for the Brantwood TIF money, which is money in and money out, but it has to be written out through a check. He stated that CCA is closing its Hamilton office at the end of September. The staff at Hamilton will be on call/roving. The main person at Hamilton lives in the Dayton area and will be taking calls and coming in. They have scheduled a work day in October, November, and December to come into city offices to meet and speak with residents. They are working on a schedule update for the spring filing season to get several days to come in. They anticipate they will visit Riverside City Hall quite often to assist.

**B) Community Development Department** – Mr. Burkholder stated they are busy with code enforcement and are close to 1,000 cases for the year. In addition, Mr. Lunsford is still working on verifying some vacant properties on the list. There has been some response for owners challenging it is not a vacant property they have so staff will continue to work with that to verify and respond accordingly. Property owners can file a petition with Pro-Champs, but staff also receives correspondence directly. On October 5, staff will be kicking off the Land Use Plan with a tour with MKSK. It will include the zoning administrator, economic development specialist and himself. They wanted to tour the city and get a better feel from that. They will be working on comprising the steering committee.

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They are busy with Wright Point as they are close to renewing some current tenants. Colliers has had quite a bit of activity and they look to bring some leases forward to council for approval by the next meeting. They are working on improvements at Wright Point; the backflow preventer has been installed with sump-pump in the pit. They are making repairs and getting an inventory on what is next to repair. The indoor storage at 2121 Harshman has started demolition on the inside. Next Monday is a planning commission meeting with the following Tuesday being the BZA meeting. There is legislation on the agenda tonight dealing with repealing fines followed by a resolution that updates the fees on fines and zoning permits.

Deputy Mayor Lommatzsch stated that in the past once a year or so, council would take a tour of the city in a bus with appropriate staff. She asked if it was possible for any council members who wanted to come on that tour to join. Mr. Burkholder stated he is fine with that; they are looking to get a 15-passenger van. She stated when they come up with that date, she feels it is important information for council members to hear and see.

Ms. Campbell asked about the storage units on Harshman. Mr. Burkholder stated it is the old Morris Furniture location.

**C) Administration Department/City Manager Report** – Mr. Lohr stated the backflow preventer is still due for inspection by environmental services, but they are hoping to get that completed soon. There has been work on Airway Road this week. Work will be finished overnight tonight and the remainder of the fine stone will be cleaned up. That is a rejuvenating process that extends the life of the roadway and something they have been doing in the city for about the past 15 – 20 years. It is done after a roadway is completed so they can stretch their dollars for the pavement. Regarding the income tax, the city is working on completing an educational video and ready by the end of the week or early next week. They are also working on a mailer that will go to every household in the community. It has general information about what the income tax is and some information about what it would mean to the both the fire and police departments.

Mr. Denning asked if there was a PAC that the police and fire are putting together to be in support of the income tax levy. Discussion was held on PAC activity. Mr. Denning stated if there is an organized group he is willing to put \$500 towards the group to help them get this passed since he doesn't have to market his running for council. Mr. Lohr stated that a good contact for fire would be Lieutenant Josh Gwin. Mayor Williams stated Officer Toscani would be a good contact for police.

Deputy Mayor Lommatzsch asked if there was any information about pipelines being restored or what is going on on Airway Road. Mayor Williams stated it looks like it is happening on base property. Mrs. Franklin stated that it is the whole waterway getting replaced. The county is working on the runoff. Ms. Bartlett stated the county is working on the bridge by the intersection. She is aware that Miller Pipeline recently applied for a permit, but she did not have the details of that permit. She can get that and provide it to them. Deputy Mayor Lommatzsch stated she has received questions. Discussion was held on the water runoff that goes into Lily Creek. Mr. Lohr stated they can look into what is happening and get back with them. Deputy Mayor Lommatzsch stated they may wish to post it if it is county work. Mr. Denning added that gas lines are also being replaced and that is what it looks like to him. They may want to check into that as they are replacing gas lines by Old Harshman. He asked if they can put some information out regarding the rejuvenator if it has a specific name so tech saavy people will google it and look into it. It will also show the city is being transparent and it is doing what they say it is to do for the roadway. Mr. Lohr stated he and Ms. Bartlett had a conversation this afternoon and they are gathering information already to get to the public.

**PUBLIC COMMENT ON AGENDA ITEMS:** There was no public comment on agenda items.



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NEW BUSINESS

A. ORDINANCES

I) Ordinance No. 21-O-778 – An ordinance by the Council of the City of Riverside, Ohio repealing all existing codified ordinances and resolutions establishing planning and zoning fees. (1<sup>st</sup> reading)

Mayor Williams stated that this is cleaning up a portion of the code to make sure specific items are grouped in one area to be found. Mr. Lohr added that various fees are in different locations. This ordinance repeals all of the fees and then the last resolution addresses reinstituting those fees on one centralized list making it easier for the public and staff.

Ms. Fry asked why they were repealing the ordinance and approving the resolution. Ms. Grandjean stated that some fees were enacted by ordinance and others by resolution. Something as mundane as changing a fee does not need to be done by ordinance so this is cleaning up all fees that were established by either ordinance or resolution and enacting a new resolution setting new fees.

Mr. Denning motioned to approve the first reading of Ordinance No. 21-O-778. Mrs. Franklin seconded the motion. The clerk read the ordinance by title only.

Roll call went as follows: Mr. Denning, yes; Mrs. Franklin, yes; Ms. Campbell, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; Mr. Maxfield, yes; and Mayor Williams, yes. **Motion carried.**

II) Ordinance No. 21-O-779 – Making supplemental appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 31, 2021. (1<sup>st</sup> & 2<sup>nd</sup> reading, public hearing and adoption)

Mr. Lohr stated that he had a question on the American Rescue Plan funds and spoke with Mr. Garrett since they have received the funds. Mr. Garrett is of the opinion that the funds should be appropriated immediately as that is the preference when federal funds are received. This gives them the ability to spend it when they need it rather than coming to council last minute for an appropriation for those funds.

Mr. Denning motioned to approve the first reading of Ordinance No. 21-O-779. Mrs. Franklin seconded the motion. The clerk read the ordinance by title only.

Deputy Mayor Lommatzsch asked if the only change from the packet was just the item at the bottom, the fiscal recovery fund. Mr. Garrett stated that was in the packet already. The change is the first and second items. There is a different dollar amount for the increase in council travel, which has been changed. The next item was the legal expenses as they have reached their spending limit for legal fees for this year and they need to cover the last quarter of the year. There is also an increase for the Brantwood pass through funds.

Roll call went as follows: Mr. Denning, yes; Mrs. Franklin, yes; Ms. Campbell, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; Mr. Maxfield, yes; and Mayor Williams, yes. **Motion carried.**

Deputy Mayor Lommatzsch motioned to suspend the rules that dictate the number of days between a first and second reading. Mr. Maxfield seconded the motion. Roll call went as follows: Ms. Lommatzsch, yes; Mr. Maxfield, yes; Ms. Campbell, yes; Mr. Denning, yes; Mrs. Franklin, yes; Ms. Fry, yes; and Mayor Williams, yes. **Motion carried.**

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Mr. Denning motioned to approve the second reading of Ordinance No. 21-O-779. Mr. Maxfield seconded the motion. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing for Ordinance No. 21-O-779. No one came forward to speak. Mayor Williams closed the public hearing.

Roll call went as follows: Mr. Denning, yes; Mr. Maxfield, yes; Ms. Campbell, yes; Mrs. Franklin, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. **Motion carried.**

B. RESOLUTIONS

**D) Resolution No. 21-R-2710 – A resolution imposing a ten-year moratorium on reducing the income tax credit to take effect on January 1, 2022, when the City’s income tax rate is increased to two-and one-half percent (2.50%).**

Mayor Williams stated this resolution is a request he and Mr. Maxfield asked for to come forward on the moratorium on the income tax credit.

Mr. Maxfield motioned to approve Resolution No. 21-R-2710. Mr. Denning seconded the motion.

Ms. Fry stated when it was introduced she had some concerns with the proposed moratorium. She is concerned about the spirit of the community concern on the promise not to reintroduce the credit reduction she does not believe the community has an issue with her character as a member of council or any of their characters. It is not a personal thing; it is a process thing. She thinks the concern is they have the power to affect their bottom line and they don’t have a say in that. This doesn’t change that. She would be more onboard where they say they wouldn’t reduce the credit without putting it to the vote. That addresses the concern better than trying to predict 10 years into the future. Her second concern is that she does not think the moratorium has any teeth. It feels a little dishonest not that they are being dishonest, but that they say they have this moratorium knowing full well if they change their mind they repeal the moratorium. That feels like they are doing damage to the reputation of council. The third thing she is concerned about is that the reason it is unfair isn’t that it is always unfair, where they have this income tax reduction in Riverside and none of the other surrounding communities have it. The thing that makes it unfair is the imbalance where they have one neighbor paying more than double what their neighbor is paying in local income tax. That could change by some law introduced in Columbus three years down the road. They are picking tis 10 year mark out of thin air. If that climate changes and it becomes more unfair in the other direction then they have another black eye if they have to make a change. She thinks it is a good idea to address the concerns of the community, but it is better to try to address it by involving them in the process by saying they won’t do this without their input. Mayor Williams stated that input is one thing, but by charter they are the only ones that can control this. They couldn’t put it to a vote if they wanted to other than the seven of them voting to impose on themselves a moratorium on taking this credit away again should the ballot initiative result in an affirmative vote for the question on November 2. He asked the law director a month ago if they could put conditions on the moratorium. They cannot change the charter. He thinks they take input from citizens now, and he doesn’t disagree with what she says, what he would say is that he will take a pledge to keep this moratorium for 10 years, which they have budget projections for 10 years. Right now, citizens don’t have any control over that credit. If the ballot initiative succeeds and the tax credit is restored between then and November 2, 2031, they say they are not going to take that credit back away what he would say to the citizens that say council could take that away any time they wanted to that is correct. They have electoral recourse votes to take away the credit again, they can recall the candidate; that is all they can do to offer them that. When it was taken away the first time it was not done with any consent or input other than the council at the



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time. He is trying to restore some confidence to the voters that they mean what they say. Legally, a moratorium could go away in six months; it could. He is trying to include the electorate and have them hold council accountable. They are telling them through this legislation that they don't want to do that. This is his way, his opinion of how they can do that. It doesn't have to be the only opinion. Ms. Fry asked for clarity when he said they reduced the credit before and he said it like that is not something they should have done, but he also said consulting with Dalma that is not something they can do. Mayor Williams stated he said that because she said instead of passing a moratorium an arbitrary number of years moratorium, they should instead have the public trust them and if they were going to take the credit back again they would ask for their input. Ms. Fry stated she would offer her support for the moratorium if they amended it to include voter participation. Mayor Williams stated they are not able to offer that, legally. Mr. Maxfield stated that is originally what they wanted to do. Discussion was held on the credit and what could be done with it. Mayor Williams stated they need to show the community they are listening. He stated when he was campaigning two years ago, the number one thing he heard from the residents was not the roads, but the tax credit issue. He feels they owe it to the community to have this moratorium.

Deputy Mayor Lommatzsch stated she did not believe in voting on legislation that has no ability to be enforced. Any of them could be gone and they cannot speak for a what future council will do. Mayor Williams stated they are setting a budget that affects people way into the future. He does not agree with her premise. They are elected to lead, to make decisions. The decisions they make don't stop on the day their term ends. Deputy Mayor Lommatzsch stated they can't pass a resolution that has no teeth. They can't speak for future councils. Mayor Williams stated he can't, but that is up to the people who vote the future council in. Mr. Denning stated they talked about a moratorium on medical marijuana. They didn't pass it, but if they did, Jesse would have been held to that and so would April and Pete. He disagreed. As a group they could vote the moratorium out, but the point is that they are making a commitment. He called the question for a roll call vote so the public knows who is onboard with giving the credit back and not increasing it.

Roll call went as follows: Mr. Maxfield, yes; Mr. Denning, yes; Ms. Campbell, no; Mrs. Franklin, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. **Motion carried.**

**II) Resolution No. 21-R-2712 – A resolution authorizing the Interim City Manager to make application to the Miami Valley Regional Planning Commission (MVRPC) for the purpose of obtaining STP Resurfacing Funds for the Valley Street West Project.**

Mr. Denning motioned to approve Resolution No. 21-R-2712. Mr. Maxfield seconded the motion.

Mrs. Franklin asked if this was something they discussed before. Ms. Bartlett stated it was.

All were in favor; none opposed. **Motion carried.**

**III) Resolution No. 21-R-2713 – A resolution authorizing the Interim City Manager to make application to the Miami Valley Regional Planning Commission (MVRPC) for the purpose of obtaining STP Resurfacing Funds for the Spinning Road (Eastman to Burkhardt) Project.**

Mr. Denning motioned to approve Resolution No. 21-R-2713. Mrs. Franklin seconded the motion.

All were in favor; none opposed. **Motion carried.**

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**IV) Resolution No. 21-R-2714 – A resolution authorizing the Interim City Manager to submit an application to the Montgomery County Waste Management District 2022 District Incentive Grant (MCWMD) for a grant not to exceed \$65,000 for the Community Park Play Structure Addition Project.**

Mr. Denning motioned to approve Resolution No. 21-R-2714. Deputy Mayor Lommatzsch seconded the motion.

Mr. Denning asked if it would be the same size as what was put in Shellabarger Park. Ms. Bartlett stated it wouldn't be as much because Shellabarger's playset was close to \$80,000. When they were looking at play structures for Community Park, they were looking at last year's catalog. Prices have gone up dramatically. They won't know until later this year. It should be bigger than what is there. She added that this grant includes the mulch that goes down with the playset.

All were in favor; none opposed. **Motion carried.**

**V) Resolution No. 21-R-2715 – A resolution establishing an omnibus planning and zoning Fee schedule for the City of Riverside, Ohio.**

Mr. Denning motioned to approve Resolution No. 21-R-2715. Deputy Mayor Lommatzsch seconded the motion.

All were in favor; none opposed. **Motion carried.**

**PUBLIC COMMENT ON NON-AGENDA ITEMS:** No one was present to comment.

**COUNCIL MEMBER COMMENTS:** Mrs. Franklin stated that the metro parks offer a TVT Challenge. The total mileage is 27 miles, and since it has been so nice they are going to do it next weekend. If interested, go to metro parks on their website. It is a great challenge, and a great way to get out and see what the metro parks have.

Mayor Williams stated he was in a meeting on Tuesday with the Mad River Schools Superintendent. He wanted to pass along that the people over the summer who contributed to the backpacks and made that a reality for many students in Mad River Schools. Mr. Wyen passed along his thanks and thanked for National Night Out. Mayor Williams thanked city staff and leadership who makes the partnership with local schools a reality. It is one thing to say they support the schools, but in Riverside, they really are hand-in-hand with a lot of initiatives and staff makes that a priority.

Deputy Mayor Lommatzsch stated she has been asked why Mad River starts so late. The reason they do that is because they are impacted heavily by military transfers that they found a lot of the children did not show up until after Labor Day because of their moves and relocations and not being sure where they will go to school. The school district several years ago moved their opening past Labor Day so those children are treated correctly on entry into a new school district. Mayor Williams stated that the military liaisons that Mad River makes a priority is something else the entire community should be proud of. At a state level, Mad River is routinely recognized as the one district, not one school, but the entire district is recognized for the excellence with which they treat and welcome military families. Other schools and Carroll High School are following Mr. Wyen's lead on being a purple star school of excellence.

Mr. Denning stated that part of the reason the schools can start after Labor Day and finish by Memorial Day is that the state changed the law to hours and not days to be in school.

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They lengthened the day by half-an-hour and then were able to meet the requirements of the state. It does help with the impact of the military. He thanked everybody who showed up for the 9/11 ceremony. It was Facebook Live; there were four council people in attendance and they had quite a few at the park. It was a very nice ceremony. The Jaycees handed out over 1,000 American flags in front of Stebbins High School from 3 – 5 pm that same day. It was well received. He was concerned people would be upset about slowing down traffic, but once they understood what they were doing, they were not as upset. He stated that there are no lights that work in Memorial Park and will talk to Ms. Bartlett about a possible solution to that.

Deputy Mayor Lommatzsch added that the service department did a great job on the park and it looked beautiful. Mr. Denning thanked the service department for making the park look nice and presentable.

Ms. Campbell asked Ms. Bartlett if she has seen Lorella Pond lately. Ms. Bartlett stated she has not. She stated she will look at it.

**EXECUTIVE SESSION:** Mr. Denning motioned to go into executive session for the purposes listed on the agenda: conferences with the attorney, personnel matters, and trade secrets/business strategy. Mr. Maxfield seconded the motion. Roll call went as follows: Mr. Denning, yes; Mr. Maxfield, yes; Ms. Campbell, yes; Mrs. Franklin, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. **Motion carried.**

Council went into executive session at 6:50 pm.

**RECONVENE:** Council reconvened at 9:01 pm.

**RESOLUTION:**

**A) Resolution No. 21-R-2711 – A resolution by the council of the City of Riverside, Ohio authorizing the interim city manager to enter into a lease agreement with PE Systems Inc.**


Mr. Denning motioned to approve Resolution No. 21-R-2711. Mrs. Franklin seconded the motion.

All were in favor; none opposed. **Motion carried.**

Mr. Denning motioned to bring forward legislation to streamline the leasing process and allow for the city manager to negotiate lease contracts. Ms. Campbell seconded the motion. All were in favor, none opposed. **Motion carried.**

**ADJOURNMENT:** Deputy Mayor Lommatzsch motioned to adjourn. Mr. Maxfield seconded. All were in favor; none were opposed. The meeting adjourned at 9:02 pm.

  
Peter J. Williams, Mayor

  
Clerk of Council



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